

### **DETAILED ACTION**

1. Receipt of the papers filed on April 3, 2008, is acknowledged. Claims 112, 119 and 122 have been canceled. Claims 68-77, 80-85, 107-111, 113-115, 118, 120, 121 and 123-130 are pending.

### ***Terminal Disclaimer***

2. The terminal disclaimer filed on April 3, 2008, disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 7,001,471 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### **EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kenneth Ohriner on June 9, 2008.

The application has been amended as follows:  
In the Specification:

Page 1, line 6, the paragraph beneath the heading "CROSS-REFERENCE TO RELATED APLICATIONS" has been rewritten as follows:

The application is a continuation of U.S. Application Serial No. 09/387,577 filed August 31, 1999, now Patent No. 6,508,920, which is a continuation of International Application Serial No. PCT/US99/02504 designating the United States filed February 4, 1999, which is a continuation-~~in part~~ of U.S. Application Serial No. 09/018,783 filed February 4, 1998, now Patent No. 7,244,677, and claims the benefit of U.S. Provisional Application Serial No. 60/087,432 filed June 1 ~~6~~, 1998, priority from the filing dates of which are hereby claimed under 35 USC Sections 120 and 119(e), and the disclosures of which are hereby incorporated in their entirety.

Page 17, line 21: "\_\_\_\_" has been changed to -- 60/085,675 --.

Page 18, line 1: "(Attorney Docket No. SEC4492P0250US; Corporate Docket No." has been deleted.

Page 18, line 2: "P98-0039)" has been deleted.

In the Claims:

Claim 123 has been canceled.

The amendments to the specification have been made to update the status of the related applications to be consistent with the data in the PALM system and to provide a missing serial number. In the amendment filed by applicant on April 3, 2008, claim 122 was canceled. Claim 123 was dependent on claim 122 which was dependent on claim 118. The limitations of claim 123 were the essentially the same as claim 120 which also is dependent on claim 118. Consequently, claim 123 has been canceled.

4. On page 2 of the IDS filed on November, 29, 2002, the publication date has been added to the citation for the Nguyen et al article.

5. The following is an examiner's statement of reasons for allowance: The terminal disclaimed has overcome the nonstatutory double patenting rejection of record. Cancellation of claim 112 has overcome the objection to this claim. Cancellation of claim 119 and 122 has overcome the rejection under 35 U.S.C. 112, first paragraph. As indicated in the office action dated January 10, 2008, the amendments to independent claims 68, 80, 82, 84 and 118 made by applicant in the

papers filed on October 23, 2007, were considered to overcome the rejections of record under 35 U.S.C. 103 for the reasons given in applicant's Remarks.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM T. LEADER whose telephone number is (571) 272-1245. The examiner can normally be reached on Mondays-Thursdays and alternate Fridays, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Susy Tsang-Foster can be reached on 571-272-1293. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William Leader  
June 9, 2008

/Susy Tsang-Foster/  
Supervisory Patent Examiner, Art Unit 1795